



Michael Bradley <mbradley@utah.gov>

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M/037/0026*

## La Sal Mines Programmatic Agreement

12 messages

**Montoya, Donald** <dmontoya@blm.gov>

Tue, Jun 21, 2016 at 4:43 PM

To: Chris Merritt <cmerritt@utah.gov>, "Doolittle, Rebecca L" <rdoolitt@blm.gov>, Kristine Curry <KRISTINECURRY@utah.gov>, Mike Bradley <mbradley@utah.gov>, Michael Neumann <MNeumann@energyfuels.com>, kbeagley@fs.fed.us, "Lloyd, Thomas W" <twlloyd@fs.fed.us>, Nathan Thomas <nthomas@blm.gov>, David Yoder <DavidYoder@utah.gov>, "Sandberg, Nick" <nsandberg@sanjuancounty.org>, John Hiscock <ostamgr@gmail.com>, Jill Jensen <jill\_jensen@nps.gov>, Robert Sweeten <rsweeten@blm.gov>, Alden Naranjo <anaranjo@southernute-nsn.gov>, LKuwanwisiwma@hopi.nsn.us, ora.marek@nau.edu, dorena.martineau@ihs.gov, Betsy Champoose <betsyc@utetribe.com>, ctoya@jemezpuablo.org, kdongoske@cableone.net, "Truman, Dana - FS" <dtruman@fs.fed.us>, Lynn Hartman <LHartman@utemountain.org>, mlehi@utemountain.org

Signatories and concurring parties,

I recieved your inputs regarding the Programmatic Agreement and incorporated them into the document as appropriate. Please review the document in preparation for signatures.

I would like to schedule a consultation meeting to conduct a final review for execution of the PA and solicit signatures for signatories and concurring parties. I will be sending a Doodle Poll

Please contact me directly at this email address or phone (435) 259-2149 if you have any questions.

Don

*Don Montoya - Archaeologist  
BLM Moab Field Office  
82 East Dogwood Ave  
Moab, Utah 84532  
(435) 259-2149*

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957K

**Michael Bradley** <mbradley@utah.gov>

Wed, Jun 22, 2016 at 8:26 AM

To: Dana Dean <danadean@utah.gov>, Jessica Montcalm <jmontcalm@utah.gov>, Paul Baker <paulbaker@utah.gov>

I didn't see any of you included on this transmittal. This is the final version of the Programmatic Agreement for the cultural resources for the La Sal mines complex. Please see below...

[Quoted text hidden]

--  
Mike Bradley  
Environmental Scientist III / Reclamation Specialist  
Utah Division of Oil, Gas and Mining  
M-F 7:30-4:30  
[801-538-5332](tel:801-538-5332)

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**Jessica Montcalm** <jmontcalm@utah.gov>

Tue, Jun 28, 2016 at 8:46 AM

To: "Montoya, Donald" <dmontoya@blm.gov>, rdoolitt@blm.gov

Cc: Dana Dean <danadean@utah.gov>, Paul Baker <paulbaker@utah.gov>, Michael Bradley <mbradley@utah.gov>

Good morning, all. Don and Rebecca - a quick note about the La Sal Mines PA: At the risk of another revision to the doc, there remain some inconsistencies in the Stipulations. Under Stip 2 it is called out DOGM will serve as lead agency for activities on privately owned lands. Further on in the Stips language (specifically under 6b) Class III inventory reports will be submitted to the respective agencies including DOGM for review. All of this is fine, but under Stip 7 (NRHP Eligibility Determination) only BLM, USFS, and SITLA are discussed for making eligibility determinations for lands under their respective jurisdiction. This seems to omit eligibility determinations on privately held lands which, according to the PA would fall under DOGM's purview.

If another agency is planning on making those calls on private lands, we have no problem with that, but it should be clarified one way or the other.

Other than that, it looks good from this end of things. Let me know if I can be of further assistance! - JfM

Jessica F. Montcalm, MS/RPA  
Abandoned Mine Reclamation Program  
Division of Oil, Gas, and Mining  
(801) 538-5318, (801) 359-3940 (Fax)

Web site: <http://ogm.utah.gov>

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**Montoya, Donald** <dmontoya@blm.gov>

Tue, Jun 28, 2016 at 2:40 PM

To: Jessica Montcalm <jmontcalm@utah.gov>

Cc: "Doolittle, Rebecca L" <rdoolitt@blm.gov>, Dana Dean <danadean@utah.gov>, Paul Baker <paulbaker@utah.gov>, Michael Bradley <mbradley@utah.gov>

Jessica,

I do not know under what legislative authority determinations of eligibility and effect are made on private lands when there is no Federal or State undertaking. When the undertaking is part of a Federal undertaking it is a connected action and falls under NHPA Section 106, or if a SITLA undertaking it falls under Utah Code Annotated 9-8-404. If the activity is on private land and there is no connected action to a Federal or State undertaking, I don't know if UDOGM has a responsibility to make determinations of eligibility or effect unless it is called out in UDOGMS guidance.

Please help with appropriate language to include in the PA

Don

*Don Montoya - Archaeologist  
BLM Moab Field Office  
82 East Dogwood Ave  
Moab, Utah 84532  
(435) 259-2149*

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**Jessica Montcalm** <jmontcalm@utah.gov>

Tue, Jun 28, 2016 at 3:01 PM

To: "Montoya, Donald" <dmontoya@blm.gov>

Cc: "Doolittle, Rebecca L" <rdoolitt@blm.gov>, Dana Dean <danadean@utah.gov>, Paul Baker <paulbaker@utah.gov>, Michael Bradley <mbradley@utah.gov>

Don - If DOGM is permitting a mining action on privately owned land, and no other agency has been delegated as lead (SITLA, for example), then DOGM, as a state agency is required under Utah Code 9-8-404 to assess and review the project/potential impacts to historic and cultural resources. We have the same obligations and authority as SITLA, but only in those instances where we are the sole permitting agency (privately owned lands).

I think this is well addressed in the first portion of the PA, but needs simple clarification in the Eligibility Determination section. It can be as simple as adding DOGM to each item (eg: The BLM, USFS, SITLA, or DOGM is responsible for all NRHP eligibility determinations for cultural resources on lands under their respective jurisdictions; etc. etc. etc.).

Does that make sense? Editorially, adding DOGM to the sub-steps under 7 should sufficiently address this. Let me know if you need more from this end!

JfM

Jessica F. Montcalm, MS/RPA  
Abandoned Mine Reclamation Program  
Division of Oil, Gas, and Mining  
(801) 538-5318, (801) 359-3940 (Fax)

Web site: <http://ogm.utah.gov>

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**Montoya, Donald** <dmontoya@blm.gov>

Tue, Jun 28, 2016 at 3:04 PM

To: Jessica Montcalm <jmontcalm@utah.gov>

Cc: "Doolittle, Rebecca L" <rdoolitt@blm.gov>, Dana Dean <danadean@utah.gov>, Paul Baker <paulbaker@utah.gov>, Michael Bradley <mbradley@utah.gov>

Jessica,

Thank you for your quick response.

Don

*Don Montoya - Archaeologist  
BLM Moab Field Office  
82 East Dogwood Ave  
Moab, Utah 84532  
(435) 259-2149*

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**Christopher Merritt** <cmerritt@utah.gov>

Tue, Jul 5, 2016 at 7:10 AM

To: "Montoya, Donald" <dmontoya@blm.gov>

Cc: "Doolittle, Rebecca L" <rdoolitt@blm.gov>, Kristine Curry <KRISTINECURRY@utah.gov>, Mike Bradley <mbradley@utah.gov>, Michael Neumann <MNeumann@energyfuels.com>, "Beagley, Kyle -FS" <kbeagley@fs.fed.us>, "Lloyd, Thomas W" <twlloyd@fs.fed.us>, Nathan Thomas <nthomas@blm.gov>, David Yoder <DavidYoder@utah.gov>, "Sandberg, Nick" <nsandberg@sanjuancounty.org>, John Hiscock <ostamgr@gmail.com>, Jill Jensen <jill\_jensen@nps.gov>, Robert Sweeten <rsweeten@blm.gov>, Alden Naranjo <anaranjo@southernmute-nsn.gov>, LKuwanwisiwma@hopi.nsn.us, ora.marek@nau.edu, dorena.martineau@ihs.gov, Betsy Chapoose <betsyc@utetribel.com>, ctoya@jemez pueblo.org, kdongoske@cableone.net, "Truman, Dana - FS" <dtruman@fs.fed.us>, Lynn Hartman <LHartman@utemountain.org>, mlehi@utemountain.org

Hello all,

Please find attached some comments on the draft PA. Its looking pretty good overall, but I have some formatting and grammatical fixes, and also I suggested one additional stipulation. The stipulation would be a generation of a short report at the end of each calendar year to summarize all work that has fallen under this agreement and to organize a phone call to discuss.

These annual reviews are sometimes boring, but sometimes really interesting and can perhaps help to identify weaknesses in the agreement post-execution.

All the best,  
Chris

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Christopher W. Merritt, Ph.D., RPA  
Deputy SHPO, Antiquities Section Coordinator  
Utah Division of State History  
Phone: (801) 245-7263  
Email: [cmerritt@utah.gov](mailto:cmerritt@utah.gov)

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962K

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**Michael Bradley** <[mbradley@utah.gov](mailto:mbradley@utah.gov)>

Tue, Jul 5, 2016 at 7:52 AM

To: Jessica Montcalm <[jmontcalm@utah.gov](mailto:jmontcalm@utah.gov)>, Jeff Salow <[jsalow@fs.fed.us](mailto:jsalow@fs.fed.us)>

Cc: Christopher Merritt <[cmerritt@utah.gov](mailto:cmerritt@utah.gov)>

Chris, please include Jessica Montcalm and Jeff Salow in this email list. Jessica is our in-house Archaeologist at DOGM. Jeff has replaced Tom Lloyd at USFS.

Jessica, here is the latest version of the PA for your reading pleasure.

Jeff, I saw that they were still sending this to your predecessor, Tom Lloyd. I figured you should be in the loop.

Thanks,

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Mike Bradley  
Environmental Scientist III / Reclamation Specialist  
Utah Division of Oil, Gas and Mining  
M-F 7:30-4:30  
801-538-5332

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**Salow, Jeffrey - FS** <[jsalow@fs.fed.us](mailto:jsalow@fs.fed.us)>

Tue, Jul 5, 2016 at 8:01 AM

To: Michael Bradley <[mbradley@utah.gov](mailto:mbradley@utah.gov)>

Thanks Mike!



**Jeff Salow**  
Geologist

**Forest Service**

**Manti-La Sal National Forest**

p: 435-636-3596  
jsalow@fs.fed.us

599 West Price River Drive  
Price, UT 84501  
www.fs.fed.us



Caring for the land and serving people

**From:** Michael Bradley [mailto:mbradley@utah.gov]  
**Sent:** Tuesday, July 05, 2016 6:53 AM  
**To:** Jessica Montcalm <jmontcalm@utah.gov>; Salow, Jeffrey - FS <jsalow@fs.fed.us>  
**Cc:** Christopher Merritt <cmerritt@utah.gov>  
**Subject:** Fwd: La Sal Mines Programmatic Agreement

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**Christopher Merritt** <cmerritt@utah.gov>  
To: Michael Bradley <mbradley@utah.gov>  
Cc: Jessica Montcalm <jmontcalm@utah.gov>, Jeff Salow <jsalow@fs.fed.us>

Tue, Jul 5, 2016 at 8:23 AM

Thanks Mike...make sure to let Don Montoya know the changes so he can update his list (as I just replied to his).

Thanks!

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**Michael Bradley** <mbradley@utah.gov>  
To: "Montoya, Donald" <dmontoya@blm.gov>  
Cc: Christopher Merritt <cmerritt@utah.gov>

Tue, Jul 5, 2016 at 8:31 AM

Don,  
Please update the mailing list to include Jessica Montcalm (jmontcalm@utah.gov), our DOGM in-house Archaeologist, and Jeff Salow (jsalow@fs.fed.us), who has replaced Tom Lloyd at USFS.  
Please let me know if you have any questions.

Thanks,

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Mike Bradley  
Environmental Scientist III / Reclamation Specialist  
Utah Division of Oil, Gas and Mining  
M-F 7:30-4:30  
801-538-5332

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**Michael Neumann** <MNeumann@energyfuels.com>

Wed, Jul 6, 2016 at 8:04 AM

To: Christopher Merritt <cmerritt@utah.gov>, "Montoya, Donald" <dmontoya@blm.gov>

Cc: "Doolittle, Rebecca L" <rdoolitt@blm.gov>, Kristine Curry <KRISTINECURRY@utah.gov>, Mike Bradley <mbradley@utah.gov>, "Beagley, Kyle -FS" <kbeagley@fs.fed.us>, "Lloyd, Thomas W" <twlloyd@fs.fed.us>, Nathan Thomas <nthomas@blm.gov>, David Yoder <DavidYoder@utah.gov>, "Sandberg, Nick" <nsandberg@sanjuancounty.org>, John Hiscock <ostamgr@gmail.com>, Jill Jensen <jill\_jensen@nps.gov>, Robert Sweeten <rsweeten@blm.gov>, Alden Naranjo <anaranjo@southernute-nsn.gov>, "LKuwawisiwma@hopi.nsn.us" <LKuwawisiwma@hopi.nsn.us>, "ora.marek@nau.edu" <ora.marek@nau.edu>, "dorena.martineau@ihs.gov" <dorena.martineau@ihs.gov>, Betsy Chapoose <betsyc@utetribe.com>, "ctoya@jemezueblo.org" <ctoya@jemezueblo.org>, "kdongoske@cableone.net" <kdongoske@cableone.net>, "Truman, Dana - FS" <dtruman@fs.fed.us>, Lynn Hartman <LHartman@utemountain.org>, "mlehi@utemountain.org" <mlehi@utemountain.org>

Chris, Don and All,

Energy Fuels agrees with the proposed changes and additional stipulation regarding annual reporting.

Thanks.

Mike

**From:** Christopher Merritt [mailto:cmerritt@utah.gov]

**Sent:** Tuesday, July 05, 2016 7:10 AM

**To:** Montoya, Donald <dmontoya@blm.gov>

**Cc:** Doolittle, Rebecca L <rdoolitt@blm.gov>; Kristine Curry <KRISTINECURRY@utah.gov>; Mike Bradley <mbradley@utah.gov>; Michael Neumann <MNeumann@energyfuels.com>; Beagley, Kyle -FS <kbeagley@fs.fed.us>; Lloyd, Thomas W <twlloyd@fs.fed.us>; Nathan Thomas <nthomas@blm.gov>; David Yoder <DavidYoder@utah.gov>; Sandberg, Nick <nsandberg@sanjuancounty.org>; John Hiscock <ostamgr@gmail.com>; Jill Jensen <jill\_jensen@nps.gov>; Robert Sweeten <rsweeten@blm.gov>; Alden Naranjo <anaranjo@southernute-nsn.gov>; LKuwawisiwma@hopi.nsn.us; ora.marek@nau.edu; dorena.martineau@ihs.gov; Betsy Chapoose <betsyc@utetribe.com>; ctoya@jemezueblo.org; kdongoske@cableone.net; Truman, Dana - FS <dtruman@fs.fed.us>; Lynn Hartman <LHartman@utemountain.org>; mlehi@utemountain.org

**Subject:** Re: La Sal Mines Programmatic Agreement

Hello all,

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